

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RSI CORP., dba RESPONSIVE SYSTEMS  
COMPANY, a New Jersey corporation,

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION; and DOES DEFENDANTS  
1-20,

Defendants.

CASE NO. 5:08-cv-3414 RMW

**ORDER RE DISCOVERY DISPUTE  
REPORT NO. 1**

As to each entity that has licensed BPA, DB2PE, or OMPE from IBM since February 15, 2004, IBM will conduct a diligent search for responsive communications made between IBM representatives in the United States and said entities during the respective one year periods leading up to each entity licensing BPA, DB2PE, or OMPE.

IBM will conduct a diligent search for responsive communications made between IBM representatives in the United States and actual RSI customers since February 15, 2003. IBM will use RSI's supplemented interrogatory responses as the basis for determining RSI's customers.

The court expects that IBM will use appropriate technology including keyword searching to minimize the burden of this discovery obligation.

IBM will also identify the software and functionalities included in DB2PE and OMPE as per RSI's interrogatories 18 and 19.

1 It is so ordered.

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3 DATED: October, 5 2012

4 A handwritten signature in blue ink that reads "Ronald M. Whyte". The signature is written in a cursive, flowing style.

5 Ronald M. Whyte  
6 United States District Judge  
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